

**COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

	)	
Boston Edison Company,	)	
Cambridge Electric Light Company,	)	D.T.E. 00-_____
Commonwealth Electric Company	)	
	)	

**MOTION FOR PROTECTIVE TREATMENT  
OF CONFIDENTIAL INFORMATION**

Now come Boston Edison Company, Cambridge Electric Light Company, and Commonwealth Electric Company (collectively, the “Companies” or “NSTAR Electric”) and hereby request that the Department of Telecommunications and Energy (the “Department”) grant protection from public disclosure of certain confidential, sensitive and proprietary information submitted in this proceeding in accordance with G.L. c. 25, §5D.

On this date, NSTAR Electric submitted the results of their solicitation for Default Service supply and supporting documentation, including information provided in Appendix B to the filing. Appendix B contains various cost and procurement information that is confidential, competitively sensitive and proprietary. NSTAR Electric requests that the information contained in Appendix B to the November 9, 2000 Default Service filing be protected from public disclosure.

Confidential information may be protected from public disclosure in accordance with G.L. c. 25, § 5D, which states in part that:

The [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter.

There shall be a presumption that the information for which such protection is sought is public information and the burden shall be on the proponent of such protection to prove the need for such protection. Where the need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

In interpreting the statute, the Department has held that:

[T]he burden on the company is to establish the need for protection of the information cited by the company. In determining the existence and extent of such need, the Department must consider the presumption in favor of disclosure and the specific reasons why disclosure of the disputed information benefits the public interest.

The Berkshire Gas Company et al., D.P.U. 93-187/188/189/190, at 16 (1994) as cited in Hearing Officer's Ruling On the Motion of Boston Gas Company for Confidentiality, D.P.U. 96-50, at 4 (1996).

The cost and procurement information in Appendix B contains confidential, competitively sensitive and proprietary information including market prices for Default Service offered to NSTAR Electric, along with detailed calculations used to derive these market prices. In addition, specific contract and pricing terms are included in Appendix B. This information should be protected from public disclosure to protect the Companies' future negotiating position when seeking to procure Default Service for its customers. Furthermore, in its RFP, NSTAR Electric indicated that it would treat all bid information as confidential and in their bids, suppliers requested such confidential treatment. Disclosure of such information could be detrimental to NSTAR Electric's customers who stand to benefit from the Companies' ability to minimize the price paid for Default Service power. Therefore, because the cost and performance information in Appendix B is competitively sensitive, NSTAR Electric requests that such information be protected from public disclosure.

**WHEREFORE**, for the reasons stated above, the Companies request that the Department grant their motion to protect from public disclosure confidential, competitively sensitive and proprietary information, which is contained in Appendix B.

Respectfully submitted,

**BOSTON EDISON COMPANY  
CAMBRIDGE ELECTRIC LIGHT COMPANY  
COMMONWEALTH ELECTRIC COMPANY**

By Their Attorneys,

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